

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROBERT L. HOLBROOK,)	
)	
Plaintiff,)	
)	Civil Action No. 10-265 Pittsburgh
v.)	
)	
CAPTAIN JOHN KINGSTON, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on February 24, 2010 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [ECF No. 60], filed on April 30, 2012, recommended that Defendants' partial motions for judgment on the pleadings [ECF Nos. 37 and 49] be granted in part and denied in part. Specifically, the Magistrate Judge recommended that the motions be granted as to the claim that the opening of Plaintiff's outgoing legal mail violates his constitutional rights as he has failed to state a claim upon which relief may be granted, and be denied in all other regards. The parties were allowed fourteen (14) days from the date of service to file objections. Plaintiff filed objections on May 11, 2012 [ECF No. 61].

After de novo review of the documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 28th day of June, 2012;

IT IS HEREBY ORDERED that the Defendants' partial motions for judgment on the pleadings [ECF Nos. 37 and 49] are GRANTED in part and DENIED in part; the motions are GRANTED as to the claim that the opening of the Plaintiff's outgoing legal

mail violates his constitutional rights as he has failed to state a claim upon which relief may be granted; the motions are DENIED in all other regards.

The Report and Recommendation [ECF No. 60] of Magistrate Judge Baxter, filed on April 30, 2012, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge